

EXHIBIT 10

1 UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF WYOMING

3 CASE NO. 2:23-cv-00118-NDF

4 STEPHANIE WADSWORTH, Individually
5 and as Parent and Legal Guardian of
6 W.W., K.W., G.W., and L.W., minor
7 children, and MATTHEW WADSWORTH,

8 Plaintiffs,

9 vs.

10 WALMART, INC., and JETSON
11 ELECTRIC BIKES, LLC,
12 Defendants.
13 _____/

14 Remote/Zoom
15 Monday, 11:03 AM -12:13 PM MST
16 October 21, 2024

17 VIDEOTAPED DEPOSITION OF
18 CHRISTOPHER R. LACHAPELLE, MD, DPT

19
20 Taken on Behalf of the Plaintiffs before
21 Lisa Gerlach, FPR, Notary Public in and for
22 the State of Florida at Large, pursuant to
23 Notice of Taking Deposition in the above
24 cause.
25

<p style="text-align: right;">Page 2</p> <p>1 Appearances via Zoom: 2 Counsel for the Plaintiffs: 3 RUDWIN AYALA, ESQUIRE 4 Morgan & Morgan, PA 5 1700 Palm Beach Lakes Boulevard 6 Suite 500 7 West Palm Beach, FL 33401 8 rayala@forthepeople.com 9 10 Counsel for the Defendants: 11 JARED B. GIROUX, ESQUIRE 12 McCoy Leavitt Laskey 13 202 US Route 1 14 Falmouth, ME 04105 15 jgiroux@mlllaw.com 16 17 Also Present: 18 Peter Curran, Videographer 19 Suzanne Lee, Esquire, University of Utah 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: Good morning. We are 2 going on the record at 11:03 a.m. on 3 October 21, 2024. Please note that this 4 deposition is being conducted virtually. 5 Quality of the recording depends on the 6 quality of camera and internet connection of 7 the participants. What is seen from the 8 witness and heard on screen is what will be 9 recorded. Audio and video recording will 10 continue to take place unless all parties 11 agree to go off the record. 12 This is media unit one of the 13 video-recorded deposition of Dr. Christopher 14 R. LaChapelle, MD, DPT, taken by counsel for 15 the plaintiff, in the matter of Stephanie 16 Wadsworth, et al., vs. Walmart, Inc. and 17 Jetson Electric Bikes, LLC. This is filed in 18 the United States District Court in and for 19 the District of Wyoming, Case Number 20 2:23-cv-00118-NDF. 21 My name is Peter Curran, representing 22 Veritext Legal Solutions and I am the 23 videographer. The court reporter is Lisa 24 Gerlach from the firm Veritext. I am not 25 authorized to administer an oath, I am not</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 WITNESS EXAMINATION PAGE 3 Christopher R. LaChapelle, MD, DPT 4 Direct by Mr. Ayala 4 5 Cross by Mr. Giroux 48 6 Redirect by Mr. Ayala 56 7 Certificate of Oath 61 8 Certificate of Reporter 62 9 Witness Review Letter 63 10 Errata Sheet 64 11 EXHIBITS 12 None 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 related to any party in this action, nor am I 2 financially interested in the outcome. If 3 there are any objections to the proceeding, 4 please state them at the time of your 5 appearance. 6 Counsel and all present, including 7 remotely, will now state their appearances 8 and affiliations for the record, beginning 9 with the noticing attorney. 10 MR. AYALA: Rudy Ayala, on behalf of the 11 plaintiffs. 12 MR. GIROUX: Jared Giroux, on behalf of 13 the defendants, Jetson and Walmart. 14 MS. LEE: Suzanne Lee, here from the 15 University of Utah, representing 16 Dr. LaChapelle. 17 THE VIDEOGRAPHER: Thank you. 18 Will the court reporter, please, swear in 19 the witness? And then counsel may proceed. 20 THEREUPON, 21 CHRISTOPHER R. LACHAPELLE, MD, DPT, 22 a witness herein, acknowledged after having been duly 23 sworn, testified upon his oath as follows: 24 THE WITNESS: I do. 25 DIRECT EXAMINATION</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 Q. Let's talk, if we can, about W■■■■. Let me</p> <p>3 pull those up so we can move through those.</p> <p>4 Based on my review, Doctor, I saw that you</p> <p>5 would've been involved in his care also on June 6,</p> <p>6 2023, as well as November 7, 2023.</p> <p>7 Is that consistent with your record?</p> <p>8 A. Yes.</p> <p>9 Q. Did you see him after November 7, 2023 as</p> <p>10 well?</p> <p>11 A. In June of 2024.</p> <p>12 Q. I'm just looking now at the November 7, 2023</p> <p>13 H&P note. That's the last date of service that I</p> <p>14 have. I don't have that June 2024 note.</p> <p>15 But it describes W■■■■, "A 4-year-old male,</p> <p>16 having sustained an 8 percent TBSA partial thickness</p> <p>17 and full thickness thermal injury to the right lower</p> <p>18 extremity, bilateral hands, and feet when he was in a</p> <p>19 house fire."</p> <p>20 Is that consistent with your recollection and</p> <p>21 assessment of W■■■■?</p> <p>22 A. Yes.</p> <p>23 Q. You talked about, during this November '23</p> <p>24 visit, that he underwent excision and grafting to his</p> <p>25 right lower extremity on February 10, 2022, discharged</p>	<p style="text-align: right;">Page 40</p> <p>1 of your team, they were asked about the significance</p> <p>2 of W■■■■'s burn injuries; in particular, their</p> <p>3 location.</p> <p>4 Is there an additional concern given the</p> <p>5 location of W■■■■'s burn injuries being over joints?</p> <p>6 A. There is concern and that is something that</p> <p>7 would need to be monitored as he grows.</p> <p>8 Q. Would it be the anticipated plan to continue</p> <p>9 to monitor W■■■■ until he reaches the age of</p> <p>10 majority, where he's no longer growing, where his skin</p> <p>11 isn't stretching as much as it would during these</p> <p>12 younger years?</p> <p>13 A. Yes.</p> <p>14 Q. And what is the additional concern for</p> <p>15 W■■■■, given his age of immaturity at this point and</p> <p>16 anticipated further stretching and growth of his skin?</p> <p>17 A. So as children grow, their scars do not grow</p> <p>18 with them. If the scars cross a joint, as the bones</p> <p>19 and underlying tissues get longer and the skin does</p> <p>20 not, it can lead to issues with range of motion and</p> <p>21 function.</p> <p>22 Q. If the scar -- if it doesn't grow with him --</p> <p>23 does in fact lead to decreased or issues with range of</p> <p>24 motion, what would be the plan to address that?</p> <p>25 A. That depends on the assessment at the time.</p>
<p style="text-align: right;">Page 39</p> <p>1 on February 27, 2022, and has continued to follow up</p> <p>2 at the clinic since that time.</p> <p>3 That's consistent with your recollection;</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. As of November 7th, he was there for his</p> <p>7 third laser treatment. Your note says, "He states</p> <p>8 that he is doing good since his last laser treatment."</p> <p>9 Let me ask you, based on your recollection</p> <p>10 and your interactions with W■■■■, is his demeanor one</p> <p>11 that's positive and energetic as a young boy?</p> <p>12 A. Yes.</p> <p>13 Q. Would you say he's the type of young boy who</p> <p>14 is, at the very least, happy and would minimize any</p> <p>15 issue or injury that he has?</p> <p>16 MR. GIROUX: Form.</p> <p>17 A. I can't speak to whether he would minimize</p> <p>18 any issue he has, but I would say he is -- he appears</p> <p>19 happy.</p> <p>20 BY MR. AYALA:</p> <p>21 Q. Do you recall, in any of the interactions</p> <p>22 you've had with W■■■■, him focusing or dwelling on</p> <p>23 his burn injuries in any way?</p> <p>24 A. No.</p> <p>25 Q. In some of the prior depositions of members</p>	<p style="text-align: right;">Page 41</p> <p>1 And the severity of the contracture, but it could be</p> <p>2 conservative measures with stretching, scar massage,</p> <p>3 things of that nature, it could be additional laser</p> <p>4 treatments, and it could be scar release surgeries</p> <p>5 with local rearrangements or other.</p> <p>6 Q. Over the course of your career, have you</p> <p>7 treated minor patients like W■■■■ for their burn</p> <p>8 injuries?</p> <p>9 A. Yes.</p> <p>10 Q. Have you followed the care of those minor</p> <p>11 patients through the point of their growth and, I</p> <p>12 guess, attaining either 18 or 21 years of age?</p> <p>13 A. Yes.</p> <p>14 Q. Over the course of your career, have you</p> <p>15 recommended scar release surgeries for any minor</p> <p>16 patients who have suffered with a decreased range of</p> <p>17 motion or any other complication?</p> <p>18 A. Yes.</p> <p>19 Q. Do you have any opinion, based on your own</p> <p>20 experience of treating minor patients with burn</p> <p>21 injuries over joints, of the frequency with which</p> <p>22 those patients require such a scar release surgery as</p> <p>23 they get older?</p> <p>24 A. It varies from patient to patient, so it is</p> <p>25 hard to say. Some people require one. Some people</p>

Page 42

1 require two or three.

2 Q. Sitting here today, do you have any opinion

3 as to whether or not W█████ will require scar release

4 surgery in the future?

5 A. I cannot predict that as of this time. It is

6 possible.

7 Q. And what you would need to see, certainly, is

8 how he continues with his laser treatments at this

9 point and whether or not he suffers a complication in

10 the future?

11 A. Yes.

12 Q. To your knowledge, did W█████ complete eight

13 laser therapy sessions?

14 A. I am not certain. I think he was one or two

15 laser treatments behind his mother's. So I'm not

16 certain. I can look.

17 Q. Okay.

18 A. It looks like he's done seven.

19 Q. The last visit that you had with W█████,

20 would that have been his seventh treatment?

21 A. No. It was his sixth treatment.

22 Q. Okay. Did any complications result from that

23 sixth treatment?

24 A. Not that I recall and none are documented in

25 the operative note.

Page 43

1 Q. Do you have any opinion as to whether W█████

2 will require further laser treatments more likely than

3 not?

4 A. I do not.

5 Q. Do you have an opinion as to whether or not

6 Stephanie will require further laser treatments more

7 likely than not?

8 A. I do not.

9 Q. Do you have an opinion as to whether

10 Stephanie will require any type of scar release

11 surgeries?

12 A. At this time, I do not.

13 Q. Same question as before. Are you waiting for

14 the reassessment and reevaluation to be performed

15 prior to determining what her prognosis might be and

16 any future surgeries or procedures?

17 A. Yes. So this next clinic visit will be

18 helpful, and then she may require some follow-up in

19 the future should she develop any issues.

20 Q. Is W█████ currently scheduled for an

21 additional laser treatment, if you know?

22 A. I do not know. Actually, yeah -- I do not

23 see one, but I am not certain of the entire

24 scheduling.

25 Q. Aside from the possibility of either

Page 44

1 additional laser treatments or scar release surgeries,

2 are there therapies that either Stephanie and/or

3 W█████ will require throughout the course of their

4 life for purposes of whether it's treating the

5 itchiness they continue to experience or to improve

6 range of motion?

7 MR. GIROUX: Form.

8 A. I can't really say exactly what they'll

9 require in the future.

10 BY MR. AYALA:

11 Q. Okay.

12 A. Each patient is different and will present

13 with different issues at different times. She may

14 have ongoing issues with range of motion and itch that

15 require us to revisit lasers; however, she may not.

16 Q. Is Stephanie a candidate for any additional

17 physical therapy?

18 A. As of my last evaluation, she was not

19 receiving physical therapy and we did not feel she

20 needed it at that time, but she potentially could

21 need that.

22 Q. Are you aware of the current condition of

23 Stephanie's feet?

24 A. Can you repeat the question? You popped out

25 for a second.

Page 45

1 Q. It's no problem.

2 Are you aware of the current condition of

3 Stephanie's feet?

4 A. I am not.

5 Q. In terms of any issues, complications, or

6 otherwise relating to her feet, that would not be

7 something that you are aware of or really that you

8 would know since that care was continued by another

9 treater?

10 A. Correct. We will continue to evaluate her

11 scars. If there are specific issues related to her

12 scars, then we'll address those. However, these other

13 bumps and things she was reporting, we will not

14 evaluate or manage those.

15 Q. You mentioned earlier the camp that W█████

16 attended.

17 Do you or your team at the burn unit provide

18 any type of psychological counseling to patients?

19 A. So my team, including me and the other

20 attendings, do not provide any of that. We do have

21 social workers in our clinic that provide input and


22 assess patients for anxiety, depression, and other

23 issues related to PTSD and things of that nature.

24 Q. Do you have any opinions as to whether or not

25 Stephanie has suffered PTSD relating to the incident

<p style="text-align: right;">Page 46</p> <p>1 that led to her burn injuries?</p> <p>2 A. I do not.</p> <p>3 Q. Same question as it relates to W■■■■.</p> <p>4 Do you have an opinion as to whether he</p> <p>5 suffered any PTSD relating to the incident leading to</p> <p>6 his burn injuries?</p> <p>7 A. I do not.</p> <p>8 Q. Do you have any opinions as to complications</p> <p>9 or limitations that Stephanie may have relating to her</p> <p>10 activities of daily living?</p> <p>11 A. Could you repeat that one more time?</p> <p>12 Q. Yes, sir. Do you have any opinions as to any</p> <p>13 limitations or complications that Stephanie has as</p> <p>14 they relate to her activities of daily living?</p> <p>15 A. I know she still does report the tightness of</p> <p>16 her scars, especially across her back. It impacts her</p> <p>17 ability to reach for things and impacts some of her</p> <p>18 household activities.</p> <p>19 Q. Are you familiar or at least aware of</p> <p>20 activities that Stephanie would engage in before the</p> <p>21 burn injuries that she can no longer take part in?</p> <p>22 A. I am not aware of that.</p> <p>23 Q. Same question as to W■■■■. Are you aware of</p> <p>24 any of those types of activities?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 48</p> <p>1 time. Those are all of my questions.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 CROSS-EXAMINATION</p> <p>4 BY MR. GIROUX:</p> <p>5 Q. Good afternoon, Dr. LaChapelle. I</p> <p>6 represent -- my name is Jared Giroux -- I represent</p> <p>7 Jetson and Walmart in this case.</p> <p>8 I don't have a bunch for you, but would you</p> <p>9 like a break before we keep going? We've been going</p> <p>10 for a little bit over an hour.</p> <p>11 A. No. I'm all set.</p> <p>12 THE VIDEOGRAPHER: Counsel, I apologize.</p> <p>13 This is the videographer. It would be</p> <p>14 helpful to change the media unit real quick.</p> <p>15 It will take me about ten seconds.</p> <p>16 MR. GIROUX: Okay.</p> <p>17 THE VIDEOGRAPHER: The time is 12:13 p.m.</p> <p>18 We're going off the record. This ends media</p> <p>19 unit one.</p> <p>20 (Off record.)</p> <p>21 THE VIDEOGRAPHER: The time is 12:14 p.m.</p> <p>22 We are back on the record. This begins media</p> <p>23 unit two. Thank you for your patience, sir.</p> <p>24 BY MR. GIROUX:</p> <p>25 Q. Good afternoon again, Dr. LaChapelle. Again,</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Any other recollection that you have, after</p> <p>2 your review of the records, as it relates to care and</p> <p>3 treatment rendered to Stephanie that we've not</p> <p>4 discussed?</p> <p>5 A. No.</p> <p>6 Q. Same question as it relates to W■■■■.</p> <p>7 A. No.</p> <p>8 Q. Any other need that you have recommended to</p> <p>9 Stephanie or to W■■■■ that we have not discussed?</p> <p>10 A. No.</p> <p>11 Q. Is it a fair interpretation of your testimony</p> <p>12 that, for purposes of determining any additional care,</p> <p>13 even with laser treatments or surgeries, that you</p> <p>14 would first need to assess or reevaluate Stephanie now</p> <p>15 that she has completed her eight laser sessions?</p> <p>16 MR. GIROUX: Form.</p> <p>17 A. Yes.</p> <p>18 BY MR. AYALA:</p> <p>19 Q. Same question as to W■■■■. Any need for</p> <p>20 future laser therapy sessions or future surgeries</p> <p>21 relating to his burn scars, that's something that you</p> <p>22 would continue to follow until the age of his</p> <p>23 majority?</p> <p>24 A. Yes.</p> <p>25 MR. AYALA: Doctor, thank you for your</p>	<p style="text-align: right;">Page 49</p> <p>1 my name is Jared Giroux and I represent Jetson and</p> <p>2 Walmart.</p> <p>3 I think you testified earlier that you</p> <p>4 recalled Stephanie reporting a lot of sensitivity and</p> <p>5 limitations with respect to her feet.</p> <p>6 What did you mean by her limitations?</p> <p>7 A. Limitations, meaning not being able to walk</p> <p>8 extensive distances or be able to stand for prolonged</p> <p>9 periods of time, or to wear footwear for prolonged</p> <p>10 periods of time that potentially aggravate those.</p> <p>11 Q. Have those limitations continued from the</p> <p>12 time that you first saw Stephanie up until the time</p> <p>13 that you last treated her?</p> <p>14 A. So since she had her care of those foot</p> <p>15 lesions taken over by a different physician, I have</p> <p>16 not continued to evaluate those.</p> <p>17 Q. So you don't have an opinion one way or the</p> <p>18 other as to whether those limitations are ongoing for</p> <p>19 Stephanie?</p> <p>20 A. I am not aware.</p> <p>21 Q. You testified a little bit about the scar</p> <p>22 revision surgery and the laser treatments that are the</p> <p>23 options to treat burns such as Stephanie's; correct?</p> <p>24 A. Correct.</p> <p>25 Q. What is the difference between the scar</p>

<p style="text-align: right;">Page 58</p> <p>1 like her who have suffered that extent of a burn 2 injury, to limit the amount of time that they spend 3 outside with skin exposed? 4 A. With skin exposed, yes. We do not recommend 5 that. We recommend skin protection. 6 Q. With regards to W■■■■■, you mentioned that 7 certainly he'll require reevaluation every few years. 8 And at the time of early adolescence, which I think 9 you put it as between 12 and 13 years, he'll be 10 reassessed as it relates to his knee area burns and 11 hand burns to determine whether he requires further 12 care, treatment, or even surgical intervention? 13 A. That is an estimate of the time of when that 14 would arise. It depends on when he grows. 15 Q. Okay. Are you familiar, Doctor, with any of 16 the either research or studies as to the frequency 17 with which burn survivors, such as W■■■■■ -- a minor 18 burn survivor -- requires future surgical intervention 19 relating to those burn injuries? 20 A. I am not. There's significant variability 21 from patient to patient. 22 Q. Same question as it relates to the adult 23 population of patients who have suffered the extent of 24 burn injury that Stephanie has. 25 Are you aware of any type of research or</p>	<p style="text-align: right;">Page 60</p> <p>1 Christopher.lachapelle@hsc.utah.edu. 2 THE REPORTER: Thank you. 3 THE VIDEOGRAPHER: The time is 4 12:13 p.m.. we're going off the record. 5 This concludes today's testimony given by 6 Christopher LaChapelle. The total number of 7 media units used was two and will be retained 8 by Veritext Legal Solutions. 9 (Proceedings concluded at 12:13 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 59</p> <p>1 studies that in any way, shape, or form quantify the 2 frequency with which they require surgical 3 intervention in the future? 4 A. I am not due to the variability and injury 5 with patients. 6 MR. AYALA: Sir, thank you for your time. 7 THE WITNESS: You're welcome. 8 MR. GIROUX: Nothing further from me. 9 Thank you, Dr. LaChapelle. 10 THE VIDEOGRAPHER: Order for a transcript 11 or video? 12 MR. AYALA: Yes. 13 MR. GIROUX: Please. 14 THE VIDEOGRAPHER: Both? 15 MR. GIROUX: Just the transcript for us. 16 MR. AYALA: We'll hold off on the video 17 for now. 18 THE VIDEOGRAPHER: Read or waive. 19 MS. LEE: Dr. LaChapelle, did you decide 20 if you want to read and sign the transcript 21 or waive that right? 22 THE WITNESS: I will read and sign it. 23 THE REPORTER: Can I have your email 24 address, Doctor? 25 THE WITNESS: Sure. It's</p>	<p style="text-align: right;">Page 61</p> <p>1 2 CERTIFICATE OF OATH 3 (VIDEOCONFERENCE PROCEEDINGS) 4 5 STATE OF FLORIDA 6 COUNTY OF PALM BEACH 7 8 9 I, Lisa Gerlach, Shorthand Reporter and 10 Notary Public, State of Florida, certify that 11 Christopher R. LaChapelle, MD, DPT, appeared before me 12 via videoconference on the 21st day of October 2024 13 and was duly sworn. 14 15 16 WITNESS my hand and official seal this 28th 17 day of October 2024. 18 19 20  21 Lisa Gerlach, FPR 22 Commission #HH41912 23 Expires 9/13/2028 24 25 Witness produced his Utah driver's license.</p>

Page 62

1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA

4 COUNTY OF PALM BEACH

5

6 I, Lisa Gerlach, Court Reporter, do hereby

7 certify that I was authorized to and did

8 stenographically report the foregoing deposition; and

9 that the transcript is a true and correct

10 transcription of the testimony given by the witness.

11 I further certify that I am not a relative,

12 employee, attorney or counsel of any of the parties,


13 nor am I a relative or employee of any of the parties'

14 attorney or counsel connected with the action, nor am

15 I financially interested in the action.

16 Dated this 28th day of October 2024.

17

18 

19

20 Lisa Gerlach, FPR

21 The foregoing certification of this transcript does

22 not apply to any reproduction of the same by any means

23 unless under the direct control and/or discretion of

24 the certifying reporter.

25

Page 64

1 RE: Wadsworth v. Walmart/Jetson, Christopher R.
LaChapelle, MD, DPT, October 21, 2024, Job #6958060

2

ERRATA SHEET

3

4 PAGE _____ LINE _____ CHANGE _____

5 REASON _____

6 PAGE _____ LINE _____ CHANGE _____

7 REASON _____

8 PAGE _____ LINE _____ CHANGE _____

9 REASON _____

10 PAGE _____ LINE _____ CHANGE _____

11 REASON _____

12 PAGE _____ LINE _____ CHANGE _____

13 REASON _____

14 PAGE _____ LINE _____ CHANGE _____

15 REASON _____

16 PAGE _____ LINE _____ CHANGE _____

17 REASON _____

18 PAGE _____ LINE _____ CHANGE _____

19 REASON _____

20 PAGE _____ LINE _____ CHANGE _____

21 REASON _____

22 Under penalties of perjury, I declare that I have

23 read the foregoing document and that the facts

24 stated in it are true.

25 CHRISTOPHER R. LACHAPELLE DATE _____

Page 63

1 Christopher R. LaChapelle, MD, DPT
Christopher.lachapelle@hsc.utah.edu.com

2

3 November 4, 2024

4

5 RE: Wadsworth v. Walmart/Jetson, Christopher R.

6 LaChapelle, MD, DPT, October 21, 2024, Job #6958060

7 The above-referenced transcript is available

8 for review.

9 The witness should read the testimony to

10 verify its accuracy. If there are any changes,

11 the witness should note those with the reason

12 on the attached Errata Sheet.

13 The witness should, please, date and

14 sign the Errata Sheet and email to the deposing

15 attorney as well as to Veritext at

16 transcripts-fl@veritext.com and copies will

17 be emailed to all ordering parties.

18 It is suggested that the completed errata be

19 returned 30 days from receipt of testimony, as

20 considered reasonable under Federal rules*, however,

21 there is no Florida statute to this regard.

22 If the witness fails to do so, the transcript may

23 be used as if signed.

24

25 Yours,

Veritext Legal Solutions:

*Federal Civil Procedure Rule 30(e)/Florida Civil
Procedure Rule 1.310(e).

17 (Pages 62 - 64)